

Translation

PATENT COOPERATION TREATY

PCT/EP2002/014365



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT 22 JUL 2004

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2001DE453	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2002/014365	International filing date (day/month/year) 17 December 2002 (17.12.2002)	Priority date (day/month/year) 22 December 2001 (22.12.2001)
International Patent Classification (IPC) or national classification and IPC A01N 25/04		
Applicant CLARIANT GMBH		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 7 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 14 July 2003 (14.07.2003)	Date of completion of this report 18 November 2003 (18.11.2003)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2002/014365

## I. Basis of the report

1. This report has been drawn on the basis of *(Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.)*:

- ☐ the international application as originally filed.
- ☒ the description, pages 1-18, as originally filed,  
 pages \_\_\_\_\_, filed with the demand,  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_,  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_.
- ☒ the claims, Nos. \_\_\_\_\_, as originally filed,  
 Nos. \_\_\_\_\_, as amended under Article 19,  
 Nos. \_\_\_\_\_, filed with the demand,  
 Nos. \_\_\_\_\_, filed with the letter of \_\_\_\_\_,  
 Nos. 1-23, filed with the letter of 29 October 2003 (29.10.2003).
- ☐ the drawings, sheets/fig \_\_\_\_\_, as originally filed,  
 sheets/fig \_\_\_\_\_, filed with the demand,  
 sheets/fig \_\_\_\_\_, filed with the letter of \_\_\_\_\_,  
 sheets/fig \_\_\_\_\_, filed with the letter of \_\_\_\_\_.

2. The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

4. Additional observations, if necessary:

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.  
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## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## 1. Statement

Novelty (N)	Claims	1-23	YES
	Claims		NO
Inventive step (IS)	Claims	1-23	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-23	YES
	Claims		NO

## 2. Citations and explanations

The present application pertains to plant protection formulations in the form of suspensions containing certain polymers according to claim 1 that contain hydrophilic AMPS monomers (A) and hydrophobic monomers (B), optionally also unsaturated monomers (C), and to the use of such polymers to increase the suspensibility of plant protection formulations that take the form of suspensions.

The amended claims, as filed, meet the requirements of PCT Article 34(2) (b).

This report refers to the following documents:

D1: WO99 66004 A (LUBRIZOL CORP) 23 December 1999  
(1999-12-23)

D2: WO 01 60877 A (CLARIANT GMBH) 23 August 2001  
(2001-08-23)

D3: US-A-4 808 215 (GILL JASBIR S ET AL.) 28  
February 1989 (1989-02-28)

D4: US-A-5 538 723 (MCCARTHY KEVIN J ET AL.) 23 July  
1996 (1996-097-23)

D1 discloses aqueous, polymer-containing suspensions that can be used in agrochemical compositions. The polymers are prepared with hydrophobic monomers (A) and hydrophilic monomers (B), optionally with monomers (C) also (see page 5, line 7 to page 7, line 3; claims 1-3 and 25-27). Hydrophilic monomers include, for example, acrylamido methylpropane sulfonic acid (see page 9, lines 19-21). Hydrophobic monomers include, for example, acrylate or methacrylate esters (see page 11, lines 10-16).

The monomers (B) of the present application now differ from the hydrophobic monomers A(II) described in D1 in that they contain at least one alkylene oxide group.

The prior art offers no incentive to modify the polymers of D1 in any way that would lead to the polymers of the present application.

Accordingly, the subject matter of claims 1-23 is novel and inventive in relation to the prior art (PCT Article 33(2) and (3)).

D2 discloses copolymers from monomers of types (A) and (C), which make suitable drift control agents for plant protection agents.

D4 discloses polymers from AMPS and vinyl monomers which are used to suppress the viscosity of certain agents.

Contrary to PCT Rule 5.1(a)(ii), the description does not indicate the relevant prior art disclosed in D1, nor does it cite this document.